

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF OKLAHOMA

REGIONAL AIR, INC.,)
v. Plaintiff,) Case No. CIV-08-342-C
CANAL INSURANCE COMPANY,)
Defendant.)

DEFENDANT'S REQUESTED VOIR DIRE

Comes now Defendant, Canal Insurance Company, and submits the following requested voir dire questions.

I. GENERAL QUESTIONS/INTRODUCTION:

1. I am going to ask you certain questions referring to "you or members of your family."

The phrase "you or members of your family" is intended to refer to you, your spouse, your parents, your children, your brothers and sisters, and members of your household. I also recognize that there can be close family or friendship relationships that may be as close as brothers and sisters. So if you have a friend or a more distant relative than those I named with whom you have discussed these subjects, I am going to ask you to tell me about those close friends or relatives as if they were members of your family for the purpose of my questions.

2. I want you to keep in mind a question I will ask you after I have covered all the specific questions about your experiences. What I will ask you at the end is this: "For those of you who answered any of the questions asked, do you believe your experiences or background would tend to cause you to favor one side or the other in this case?" I want you to keep this question in mind as we go over these matters so you will be prepared to answer that question at the end.

II. **BACKGROUND**

A. Employment

1. Are you employed?
2. How are you employed?
3. (If retired) What are you retired from?

B. Marital status

1. Are you married?
2. Is your spouse employed?
3. How is spouse employed?
4. (If retired) What is your spouse retired from?

C. Children

1. Do you have children?
2. How many?
3. How old?

D. Education

1. What is the highest level of education you have completed?
2. (If college degree) What is your degree(s)?

E. Military service

1. Have you ever served in the military?
2. When?
3. What branch and rank?

F. Related Employment

1. Have you or members of your family ever been employed as a truck driver, or in the trucking business?
3. Have you or members of your family ever been employed by an attorney? or employed in the legal field in any capacity?
4. Have you or members of your family ever been employed in the insurance industry?
5. Have you or members of your family ever been employed as an investigator?
6. Have you, or any members of your family ever been employed in the field of law enforcement?
7. Have any of you had any law courses or legal training?
8. Have you or members of your family ever been employed as an appraiser?
9. Have you or members of your family ever been employed as an insurance adjuster or worked for an insurance adjuster?

G. GENERAL

1. What part of the country were you raised in? Was it a small town? a big city? the country?
2. What are your primary recreational activities or hobbies?

III. INVOLVEMENT IN LEGAL CLAIMS:

1. Have any of you, or members of your family ever made a legal claim for personal injuries or property damage? What were the circumstances of the claim?
 - a. What type of case was it?
 - b. Was it settled or tried?

- c. Was the result satisfactory to you?
2. Have any of you, or members of your family ever had a legal claim brought against you for personal injuries or property damage? What were the circumstances of the claim?
 - a. What type of case was it?
 - b. Was it settled or tried?
 - c. Was the result satisfactory to you?
3. Have you or has anyone close to you ever filed a worker's compensation claim?
4. Have any of you been involved in lawsuits with a business or corporation?
If so,
 - (a) How were you involved?
 - (b) Who was the other party?
 - (c) What type of case was it?
 - (d) When did this occur?
 - (e) How was the lawsuit resolved?
5. Have any of you, or members of your family ever made a claim to an insurance company? What were the circumstances of the claim? Was the result satisfactory to you?

IV. PARTIES

1. The Plaintiff in this case is Regional Air, Inc. The Company is located in Lawton, Oklahoma. Are any of you familiar with Regional Air?
2. Regional Air's owner and representative in this case is Ray Cunningham. Do any of you know Mr. Cunningham?
3. The Defendant in this case is Canal Insurance Company. Have you ever had any

dealings with Canal Insurance Company?

V. IDENTIFICATION OF POTENTIAL WITNESSES:

1. I am going to read a list of witnesses, some of whom will be called during the course of the trial. I would like to know if you, or members of your family, know any of these persons on a professional or social basis or have any contact with them.

(See "Witnesses" listed in the Final Pretrial Report.)

VI. LAW FIRMS INVOLVED:

1. The Plaintiff is represented by Ed Dzialo, 802 "C" Avenue, Lawton, Oklahoma.

Do any of you, or members of your family, know either Mr. Dzialo on either a professional or social basis?

2. Canal Insurance Company is represented by Harris Phillips, 300 North Walker, Oklahoma City, Oklahoma 73102. Do any of you, or members of your family, know Mr. Phillips on either a professional or social basis?

VII. THE LAW

1. You all understand that this is a civil lawsuit?

2. Do you have any preconceived feelings that the plaintiff should always win or that the defendant should always win?

3. You all understand that both sides begin equally in this case, and will each of you decide this case, based on the facts as you find them and the law as it is given to you by the court in its instructions, and not let passion, prejudice or sympathy enter into your deliberations, no matter how difficult that is to do?

4. Has anyone been on a jury before? Was it a civil or criminal case? Did you reach a

verdict in that case?

5. The burden of proof you will be applying in this case is different than you had in a criminal case and is probably different than you had in a civil case. Will each of you take the law as it is given to you by the court, and determine the facts, applying that law to the facts, and render your verdict accordingly?

6. Has anyone been the foreman of a jury?

7. Can you apply the law as given to you by this Court even though you may not personally agree with that law?

VIII. CONCLUDING QUESTIONS:

1. Do any of you know of any reason why you should not serve on this jury based upon what you have heard about the case?

2. I would like all of the panel members to look into their past and tell me if there is any reason why they do not believe they could be fair if they were chosen as a juror in this case.

3. You are the best judge of your feelings, ideas and emotions. Knowing what you know about your own feelings and ideas, if you were either party in this lawsuit, would you be satisfied with having a person such as yourself in your frame of mind act as a juror in this case?

4. Now, having heard all these questions and what I have told you about the case, do any of you believe that because of some experience, that you or some member of your family has undergone, you tend to favor one side or the other in this case?

5. Some of you may know of a reason why you should not sit as a juror on this case, and I simply have not asked a question that brings forth that information. If any of you feel that you know of such a reason, please tell me.

6. Is there anything about which we have not spoken that you would like to comment or ask me about?

Respectfully submitted,

NIEMEYER, ALEXANDER,
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CERTIFICATE OF SERVICE

I hereby certify that on January 26, 2009, I electronically transmitted the attached document to the clerk of Court using the ECF System for filing and transmittal of a Notice of Electronic Filing to the following ECF registrants:

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